

**REMARKS**

This Amendment is submitted to place the application in better form for examination. By this Amendment, the claims are amended. Claims 3-6 and 13-15 remain in the application.

**Restriction**

The Examiner indicated that claims 3-7 were constructively elected and claims 8-12 were withdrawn from consideration. By the amendments above, claims 8-12 have been cancelled. The applicant reserves the right to prosecute claims 8-12 in a separate continuation application.

**Specification**

The Examiner indicated that the language added to the end of claim 3 lacks antecedent basis in the specification and that, accordingly, the specification required correction. The language previously added to the end of claim 3 has been cancelled thereby obviating the need for correction to the specification.

**35 U.S.C. § 112, Second Paragraph Rejections**

The Examiner rejected claims 3-7 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Examiner argues that the phrase "said outermost tube" lacks antecedent basis and is unclear. The portion of claim 3 including the phrase "said outermost tube" has been deleted thereby obviating this rejection.

**35 U.S.C. § 102(b) Rejections**

The Examiner rejected claims 3-7 under 35 U.S.C. § 102(b) as being anticipated by Nerad. The applicant submits that Nerad fails to anticipate claim 3 as amended.

By the amendments to claim 3 above, the second exit path guides the heavier materials *out of* the centrifuge housing rather than merely through the centrifuge housing terminating at the end of the arm. Nerad fails to teach or suggest an exit path for guiding the heavier materials *out of* the centrifuge housing. Therefore, Nerad fails to anticipate claim 3 as amended above. In addition, because claims 4-6 depend from claim 3, Nerad fails to anticipate those claims for at least the same reason if fails to anticipate claim 3.

35 U.S.C. § 103(a) Rejection

The Examiner rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Nerad in view of Coleman. Because claim 6 depends from claim 3 and claim 3 is believed to be allowable, claim 6 is also believed to be allowable.

New Claims

Dependent claims 13-15 have been added. These claims include further limitations to amended claim 3. Support for these claims is found throughout the specification and drawings. Claims 13-15 are believed to be allowable for at least the same reasons claim 3 is believed to be allowable.

CONCLUSION

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

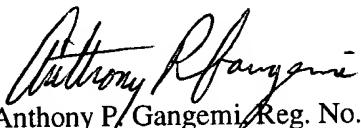
It is believed that no new matter has been added by this Amendment. A notice of allowance for the remaining claims is earnestly solicited.

It is believed that the proper fee associated with this Amendment has been submitted herewith. Any fee deficiency may be charged to Deposit Account 04-1415. Any questions regarding this Preliminary Amendment can be directed to the undersigned attorney.

Appl. No. 09/707430  
Page 5

Dated this 15<sup>th</sup> day of March, 2002.

Respectfully submitted,

  
Anthony P. Gangemi, Reg. No. 42,565  
USPTO Customer No. 20686

VERSION WITH MARKINGS TO SHOW CHANGES

In the Claims:

Claims 7-12 have been cancelled, claim 3 has been amended, and new claims 13-15 have been added as follows:

3. (Amended) A centrifuge for decanting lighter material from heavier material from a mixture of initial material, the centrifuge comprising:

a housing<sup>7</sup> including a central body, said central body defining an axis;

a hollow arm<sup>23</sup> extending from said central body, said arm including a first end attached to said central body, and a second end extending away from said central body, said hollow arm defining a chamber; and

✓ a baffle<sup>22</sup> attached to said central body and extending into said chamber, said baffle defining a flow path between said concentric tube walls within said chamber; *MA - in prev version? No 112? in prev of A*

said flow path including a first exit path for guiding said lighter material out of said housing and a second exit path<sup>24</sup> for guiding said heavier material [through] out of said housing.; and *between 22, 23*

1,121  
ob; an entrance path for receiving the mixture of initial material, said entrance path formed in said housing and communicating with said flow path.]

✓ 13. (New) The centrifuge of claim 3, further comprising:  
*wt - see prev of A*  
an innermost tube;

wherein said heavier material exits said housing through said innermost tube.

14. (New) The centrifuge of claim 3, wherein:

*func* said heavier materials are continuously removed from said housing during operation of said centrifuge.

15. (New) The centrifuge of claim 3, further comprising:

*allow* means for continuously removing said heavier materials from said housing during operation of said centrifuge.

[END OF TEXT]